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8  
9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA

11 CAROL ANN MAJORS,

12 Plaintiff,

13 vs.

14 GEICO GENERAL INSURANCE  
COMPANY, and DOES I through X,

15 Defendants.  
16

CASE NO. 2:16-cv-01825-RFB-GWF

**STIPULATION AND ORDER TO  
REMAND TO STATE COURT AND TO  
DISMISS PLAINTIFF'S EXTRA-  
CONTRACTUAL CLAIMS**

17 Plaintiff CAROL ANN MAJORS ("Plaintiff") and Defendant GEICO GENERAL  
18 INSURANCE COMPANY ("Defendant")(collectively referred to as to "the Parties"), by and  
19 through their respective counsel of record, stipulate as follows:

20 1. Plaintiff's Complaint was originally filed in the Eighth Judicial District Court  
21 for Clark County, State of Nevada, on July 1, 2016.

22 2. Defendant removed this matter on August 3, 2016, on grounds of diversity  
23 of citizenship pursuant to 28 U.S.C. §1441 (b).

24 3. The Complaint alleges claims for underinsured motorist benefits, breach of  
25 the implied covenant of good faith and fair dealing, unfair claims practices and bad faith.

26 4. Plaintiff was involved in a motor vehicle collision on May 29, 2015. As set  
27 forth in Plaintiff's complaint, Plaintiff has previously recovered \$15,000.00 from American  
28 Access Casualty Company, representing the tortfeasor's bodily injury liability limits.

1 Plaintiff has also previously recovered \$10,000.00 from GEICO representing medical  
2 payments coverage.

3         5. By way of this litigation, Plaintiff only seeks monetary damages in excess of  
4 the \$15,000.00 which Plaintiff has previously recovered from American Access Insurance  
5 Company under their policy of insurance which provided coverage to the tortfeasor and  
6 the \$10,000.00 which Plaintiff has previously recovered from GEICO representing  
7 medical payments coverage.

8         6. Pursuant to this Stipulation, Plaintiff agrees that her total claimed  
9 recoverable damages for underinsured motorist coverage against Defendant in this action  
10 does not, and will not, exceed the sum of Seventy-Five Thousand and 00/100 Dollars  
11 (\$75,000.00), exclusive of costs, and interest.

12         7. Pursuant to this Stipulation, the parties agree that the amount in controversy  
13 is \$75,000.00 in "new money" and that Plaintiff's cause of action against Defendant is  
14 contractual in nature and specifically with regard to the value of Plaintiff's underinsured  
15 motorist claim.

16         8. Pursuant to this Stipulation, Plaintiff and Defendant have agreed to submit  
17 their dispute to arbitration in the Court Annexed Arbitration Program of the Eighth Judicial  
18 District Court of the State of Nevada.

19         9. Pursuant to this Stipulation, Plaintiff agrees that her claims for breach of the  
20 implied covenant of good faith and fair dealing, unfair claims practices and bad faith, as  
21 well as Plaintiff's prayer for punitive damages, shall be dismissed, with prejudice.

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1           10. By entering into this Stipulation, Defendant neither acknowledges nor  
2 concedes liability or damages with respect to any claims brought by Plaintiff in her  
3 Complaint, or as such Complaint may hereafter be amended, and expressly denies  
4 liability and damages.

5 DATED this 25<sup>th</sup> day of August, 2016.

DATED this 25<sup>th</sup> day of August, 2016.

6 RICHARD HARRIS LAW FIRM

LEWIS BRISBOIS BISGAARD & SMITH LLP

7  
8 */s/ Robert E. Marshall*

9 By: \_\_\_\_\_  
10 ROBERT E. MARSHALL, ESQ.  
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*/s/ Danielle C. Miller*


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*GEICO General Insurance Company*

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15 ORDER

16 IT IS SO ORDERED.

17 DATED this 11<sup>th</sup> day of September, 2016.

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20 Respectfully Submitted by:

  
\_\_\_\_\_  
RICHARD F. BOULWARE, II  
United States District Judge

21 LEWIS BRISBOIS BISGAARD & SMITH LLP

22 */s/ Danielle C. Miller*

23 By: \_\_\_\_\_  
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